



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 Broadway
New York, New York 10007-1866

SEP 19 2019

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

7015 3010 0000 7503 8327

Thomas G. Lewis, President
The Louis Berger Group, Inc.
412 Mount Kemble Avenue
PO Box 1946
Morristown, NJ 07962-1946

Re: Notice of Noncompliance with Toxic Substances Control Act
Case Number: TSCA 2019108

Dear Mr. Lewis:

This Notice of Noncompliance (Notice) addresses the failure of The Louis Berger Group, Inc. (Berger) to comply with Section 6 of the Toxic Substances Control Act (TSCA) and the regulations regarding polychlorinated biphenyls (PCBs) established under the authority of TSCA.

By letters dated December 20, 2018 and March 21, 2019, the New Jersey Schools Development Authority (NJSDA) informed the U.S. Environmental Protection Agency (EPA) that certain violations of the PCB regulations may have occurred during work conducted at the Jersey City Elementary School #3 in Jersey City, New Jersey (the Project Site). Berger was employed by NJSDA as the consultant and Licensed Site Remediation Professional (LSRP) for this work and directed a PCB remediation at the Project Site. Additional information was provided by your staff and counsel at a June 19, 2019 meeting with EPA.

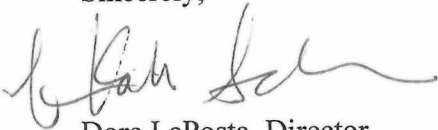
Based on the information provided, EPA has determined that Berger, as LSRP for the Project Site, failed to comply with Section 6 of TSCA, 15 U.S.C. § 2605, and the regulations relating to PCBs (codified at 40 C.F.R. Part 761). Specifically, Berger failed to notify EPA of a self-implementing cleanup, to comply with the requirements of a performance-based cleanup, or to apply to EPA for a risk-based disposal approval prior to engaging in PCB cleanup activities at the Project Site as required by C.F.R. § 761.61.

Section 16 of TSCA authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation of TSCA and the regulations promulgated thereunder. As per the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register Vol 83, No. 7, January 10, 2018), penalties may now be assessed up to \$39,873 for each violation, in some cases per shipment or per day. However, since this violation occurred in 2012, the 5-year TSCA statute of limitations prohibits the assessment of a penalty at this time. This Notice is being issued by EPA in lieu of further actions.

Receipt of this Notice of Noncompliance will be construed as giving you formal notice of EPA's PCB Regulations at 40 C.F.R. Part 761. No response to this Notice is required. It is expected that Berger will remain in compliance with the PCB regulations going forward. Future violations may result in the issuance of an Administrative Complaint including monetary penalties.

Should you have any questions about the contents of this Notice, or should you wish to further discuss this matter, please feel free to contact Ms. Ann Finnegan of EPA Region 2's Pesticides and Toxic Substances Compliance Branch at (732) 906-6177, or by electronic mail at finnegan.ann@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dore LaPosta", with a stylized flourish at the end.

Dore LaPosta, Director
Enforcement and Compliance Assurance Division